

Remarks

The above Amendments and these Remarks are in reply to the Office action mailed June 28, 1996. With the addition of Claims 4-16, Claims 1-16 are presented herewith for consideration.

Rejection of Claims 1-3 Under 35 U.S.C. § 102(b)

Claims 1-3 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,968,255 to Lee et al. ("*Lee*"). Applicants respectfully traverse this rejection with respect to Claim 1, and have amended Claims 2 and 3 as follows.

Lee in general relates to an electronic instructional apparatus wherein indicia-bearing blocks fit into cavities defined within the apparatus. The blocks include notches and ridges representative of the indicia on the block, which notches and ridges may be interpreted by detectors within each of the cavities.

In order for *Lee* to be an anticipation of the claimed invention, each and every limitation of the claims must be found within the cited reference. *Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052 (Fed. Cir. 1994). The Examiner has alleged that *Lee* discloses the emitter of Claim 1, in as much as the notches and ridges of *Lee* "are information emitters which give out signals." However, applicants respectfully submit that this is a clear mischaracterization of the notches and ridges of *Lee*. Webster's Ninth New Collegiate Dictionary, at page 407, defines "emit" as:

1 a: to throw or give off or out (as light) b: to send out: EJECT. (emphasis in original)

It is clear that the notches and ridges of *Lee* do not meet this definition. Significantly, an emitter gives off a signal **independent of and regardless of whether anything is provided to perceive it**. On the other hand, the "information emitters" referred to by the Examiner in *Lee* are no more than indentations provided in the edges of the blocks. While these indentations contain information which can be accessed, **they give off nothing by themselves**. Therefore, notches and ridges of the cited reference cannot be considered emitters.

On these grounds, applicants respectfully submit that *Lee* fails to anticipate the invention recited in Claim 1, and respectfully request that the rejection of Claim 1 on section 102 grounds be withdrawn.

With regard to Claim 2, and Claim 3 dependent thereon, Claim 2 has been amended to recite that the surface is substantially flat and planar. This feature is clearly not disclosed in *Lee*, which includes defined cavities within the apparatus for receiving the indicia-carrying blocks. Without cavities, the system of *Lee* would be completely inoperable because the notches and ridges on the blocks in *Lee* must precisely align within the cavities with the detectors. By contrast, as identified in Claims 2 and 3 as amended, the objects may be located on the substantially flat, planar surface, and do not need to be provided in a precise alignment on the surface. This greatly enhances the ease of use and flexibility with regard to how a user provides the objects on the surface.

Therefore, based on the above argument and amendment to Claims 2 and 3, applicants respectfully request that the rejection of Claims 2 and 3 on section 102 grounds be withdrawn.

New Claims

New independent Claims 4 and 9 each recite sensing an indicia-representative signal or data from an object located on a surface, and also for sensing a location of the object on a surface. At least this feature is nowhere shown in the cited art.

New independent Claims 6 and 9 each recite an object capable of being supported on a surface at a user-defined location on the surface, and an emitter within the object that allows the computer to identify a character on the object and the user-defined location on the surface. At least these features are nowhere shown in the cited art.

New independent Claim 16 is similar to original Claim 2, with the additional limitation that the one or more detectors can detect the object regardless of where the object is on the surface. As discussed above, this feature is not taught or suggested in the cited reference.

The remaining new claims are dependent on one of Claims 4, 6, 9 or 16.

No new matter has been added.

In view of the above amendments and these remarks, reconsideration of Claims 1-3, and consideration of Claims 4-16, is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

Respectfully submitted,

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By: 

Brian I. Marcus
Reg. No. 34,511